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April 3, 2003

EX PARTE

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S. W.
Washington, D.C. 20554

REDACTED FOR PUBLIC INSPECTION

**Re: Application by Qwest Communications International Inc. for
Authority to Provide In-Region InterLATA Services in New
Mexico, Oregon and South Dakota; WC Docket No. 03-11**

Dear Ms. Dortch:

The purpose of this letter is to respond, at the request of Commission staff, to three recent *ex parte* filings made by WorldCom in the above-referenced proceeding.¹ In those letters WorldCom blames its current difficulties in ramping up its UNE-P-based residential offerings in the Qwest region on alleged deficiencies in Qwest's Operations Support Systems (OSS), Qwest's documentation for building EDI interfaces, and the technical assistance it receives from Qwest.

Upon close examination, the Commission will find nothing in WorldCom's complaints that calls into question the Commission's previous conclusion that Qwest's OSS, EDI documentation, and technical assistance fully satisfy Section 271. For the most part WorldCom's recent *ex parte* filings recycle arguments previously made -- and fully responded to by Qwest -- earlier in this proceeding. In many instances, the claims raised by WorldCom were already acted on, and dismissed by, the Commission in the *Qwest 271 Order*.² In other cases the matters already have been resolved between the companies.

¹ See WorldCom *ex parte* filings of March 24, 2003 ("WorldCom March 24 Ex Parte"), March 27, 2003 ("WorldCom March 27 Ex Parte"), and April 1, 2003 ("WorldCom April 1 Ex Parte"). The *ex partes* filed on March 27 and April 1 contained substantially the same arguments as WorldCom's filing on March 24.

² See *Application by Qwest Communications International, Inc., for Authorization to Provide In-Region, InterLATA Services in the States of Colorado, Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, Washington, and Wyoming*, WC Docket No. 02-314, Memorandum Opinion and Order, FCC 02-332, 17 FCC Rcd 26303 (rel. December 23, 2002) ("*Qwest 271 Order*").

Nevertheless, Qwest fully addresses each one of WorldCom's latest allegations in Attachment A to this letter.³ As we explain there in detail, WorldCom's difficulties cannot fairly be laid at Qwest's doorstep. WorldCom points primarily to its initial reject rates for UNE-P, and claims that these problems are Qwest's fault. This is wrong and unfair. To begin with, Qwest has demonstrated that both its overall reject rates and CLEC-specific reject rates meet or exceed the rates reported by other BOCs that have received Section 271 approval.⁴ In addition, the Commission has recognized many times that orders can fail for many reasons having nothing to do with the BOC and its OSS.⁵ This fact similarly is reflected in the structure of OSS tests and related performance measures, including post-entry performance plans. These evaluations do not look to reject rates in recognition of the fact that orders can -- and often do -- reject even if the BOC system is performing well; the CLEC bears responsibility at its end too.

In that regard, we note WorldCom's *ex parte* of yesterday, in which the company corrects previous statements on this matter. WorldCom explains that it has not actually stopped outbound telemarketing, as it had previously stated to the Commission. In addition to this correction, WorldCom acknowledges improvements in its order-processing experience.⁶ Qwest is glad to see this improvement, which further confirms that its OSS meets the requirements of the Telecommunications Act, and the Commission's precedent under Section 271.

WorldCom's other specific complaints also evaporate on close review, as detailed in the point-by-point response in Attachment A. However, several general points bear particular emphasis:

First, the real world experience of other CLECs belies WorldCom's claim that its efforts to build an interface to order UNE-P POTS is exposing problems in Qwest's OSS and EDI documentation that were not apparent before. A number of other CLECs have successfully built and used EDI interfaces to order significant volumes of UNE-P POTS or Resale POTS, including conversion-as-specified orders (*i.e.* orders with feature detail). These CLECs have experienced much lower reject rates than WorldCom.⁷ Hewlett-Packard (HP), the pseudo-CLEC in the Third Party Test, was similarly successful in constructing an EDI interface for this purpose capable of handling material volumes.⁸ This evidence undercuts WorldCom's argument

³ For the convenience of staff, Attachment A to this letter responds to WorldCom's arguments using the same structure set forth in the WorldCom March 24 Ex Parte. The other attachments to this letter are actually attachments to Attachment A, and are labeled Attachment A1, A2, and so on.

⁴ See Qwest IV Performance Measures Declaration at ¶¶ 163-182.

⁵ See, e.g., *Qwest 271 Order* at ¶ 89 (rejecting allegations that Qwest's overall reject rates indicate systemic OSS problems based on the fact that "Qwest's overall reject rates are within the range the Commission previously found acceptable" and the fact that "a number of competing CLECs experience low reject rates"); *Georgia/Louisiana 271 Order* at ¶ 142 (noting that claims of high reject rates may not be entirely attributable to BellSouth); *New York 271 Order* at ¶ 175 (finding that wide variation in CLEC-specific reject rates is likely attributable to CLEC, not BOC, conduct).

⁶ See WorldCom *ex parte* filing of April 2, 2003 ("WorldCom April 2 Ex Parte").

⁷ See Attachment A, at 1-2, and Confidential Attachment A1 (CLEC EDI UNE-P POTS and Resale POTS Conversion-as-Specified Order Transactions from February 1, 2002, through January 31, 2003).

⁸ Attachment A at 2 and n.6.

that its own reject rates are attributable to deficiencies in Qwest's OSS and EDI documentation for UNE-P POTS, or to the fact that WorldCom is attempting to process conversion-as-specified orders.⁹

Second, WorldCom erroneously finds fault with Qwest for using allegedly "complex" or "non-standard" OSS systems, and blames many of its problems on that issue. This apparently reflects WorldCom's position that Qwest's systems should be set up in a particular way, or should be designed the same as those of other BOCs. There is no foundation for this complaint. Qwest's OSS reflects its own systems and the way that it processes orders for itself. Qwest is not required to conform to other RBOC systems; Qwest is free to develop OSS based on its own systems, and do so in a manner that best and most efficiently meets its own needs, CLEC needs, and the Act's requirements. Yet when WorldCom developed its EDI interface, it apparently made assumptions about Qwest's OSS -- including assumptions that it would work the same way as that of certain other BOCs, when in fact some of Qwest's processes are different. Significantly, other CLECs generally did not make these same assumptions, and Qwest had no reason to anticipate that WorldCom would either.

Third, and contributing to WorldCom's problems, that company apparently did not always use, or misinterpreted, the EDI documentation that Qwest recommended for CLECs building interfaces. That documentation has been examined and proved out both in trials and in real life. It is significant that other CLECs, as well as HP in the Third Party Test, have successfully used Qwest's EDI documentation to build EDI interfaces. HP also thoroughly tested and approved Qwest's OSS, EDI documentation, and technical assistance, over a wide range of products, including UNE-P POTS provided over EDI interfaces.¹⁰ The Commission in prior Section 271 proceedings has considered this type of commercial and third party test evidence to be strong proof that a BOC's EDI documentation and technical assistance is adequate under Section 271. And the Commission made this specific finding in the *Qwest 271 Order* with respect to Qwest's OSS.¹¹

Fourth, contrary to WorldCom's implication, Qwest has worked hard to assist WorldCom in its efforts to develop and test its EDI interfaces for UNE-P POTS and other products, and continues to work with WorldCom to resolve any remaining problems or questions. Indeed, Qwest's efforts have gone well beyond what Qwest is obliged to do as a Section 271 matter. Qwest has devoted significant resources to help WorldCom, as is evident from the attached response.¹² Since WorldCom began progression testing in SATE, and continuing through production turnup, Qwest conducted weekly EDI implementation meetings with WorldCom, generally with five Qwest staff members attending. Also since that time, and through the present, Qwest has been conducting weekly process meetings with WorldCom, with at least three staff in attendance. Once WorldCom went into production, Qwest began conducting operations meetings with WorldCom on a frequent basis as needed to resolve issues,

⁹ See WorldCom March 24 Ex Parte at 1-2.

¹⁰ Attachment A at 2 and n.6.

¹¹ *Qwest 271 Order* at ¶ 144.

¹² Attachment A at 2-3.

with five or more staff in attendance. These various types of meetings range from an hour to three hours in length, and are conducted either in person or by phone. For each type of meeting, question logs are maintained, and these have extensive entries.¹³ In addition, Qwest Wholesale conducts regular executive meetings with WorldCom. Qwest's production support process and other post-production technical assistance also helps CLECs who are in production.¹⁴ Clearly, Qwest devotes substantial time, attention, and expertise to resolving WorldCom's questions and issues.

Fifth, the WorldCom *ex parte* actually demonstrates that the OSS process is evolving and working as it should. As discussed above, the systems as they stand already have been shown to permit CLECs to compete with significant volumes. WorldCom takes out of context some minor system bugs and documentation ambiguities -- inevitable in the evolution of any IT process -- and tries to portray them as far more significant than they actually are. This is not to say that Qwest dismisses such issues. The company always wants to improve. But the record here shows that Qwest has been responsive to CLEC concerns, and has worked hard to ensure that its OSS and documentation works as well for CLECs as it possibly can. As detailed in Attachment A, Qwest has acted promptly to implement OSS fixes or adopt clarifications to its documentation whenever WorldCom or other CLECs have identified issues, both significant and minor. While most of the complaints voiced by WorldCom in its *ex parte* are ultimately groundless, Qwest's diligence in acting in response to any real issues is clear.

Sixth, and equally important, there is an established procedure in place -- the collaborative Change Management Process (CMP) -- to decide the significance and timing of potential improvements and modifications to Qwest's OSS.¹⁵ Just because WorldCom objects to an aspect of Qwest OSS does not mean that a change should be made, or made now. Other CLECs may prefer the status quo because their systems are working well without the need for a change, or they may have other priorities. WorldCom actively participated in creating the CMP, and should use that process here. The CMP process is specifically established to enable Qwest and CLECs, including WorldCom, to work on a collaborative basis to propose changes to Qwest's interfaces, products, or processes. To the extent WorldCom or other CLECs are interested in changing the way the Qwest systems work, or in making changes in Qwest documentation, the CMP provides the appropriate forum. In fact, many of the issues identified by WorldCom have been or are being considered in the change management process, as is appropriate given the potential implications of such changes to Qwest's systems on the business operations of all CLECs. The CMP Framework also prescribes a production support process that Qwest must follow in handling troubles identified by CLECs after they go into production, a process that CLECs, including WorldCom, can use here. WorldCom in some respects is complaining that Qwest is not going out of process to modify systems and documentation as WorldCom would prefer, at the expense of standard procedures that Qwest is bound to other CLECs to follow.

¹³ Several excerpts from the question logs are included as confidential attachments hereto.

¹⁴ See Qwest IV OSS Declaration at ¶¶ 630-632, 656-657, 663-664.

¹⁵ See generally Qwest IV Change Management Declaration.

Seventh, the Commission should note that, in many respects, Qwest is being asked to prove a negative without the facts. Qwest cannot always know why WorldCom has had problems with its orders. Perhaps the company rushed its systems into full production before they were as ready as they should have been. Perhaps many of the problems arise from erroneous assumptions regarding "typical" OSS or documentation. Many of WorldCom's problems may have nothing to do with Qwest's OSS. Qwest has worked hard to help WorldCom correct its systems, and is glad to see that WorldCom is showing progress. Qwest will continue to assist WorldCom in every way it reasonably can. But it will not accept unfair attacks on an OSS system -- and associated processes and procedures -- that have proven out in third party tests and real world experience.

In sum, for the reasons given above and in the attached detailed response, WorldCom has presented no reason for the Commission to depart from its conclusion in the *Qwest 271 Order* that Qwest is meeting the requirements of Section 271 today. None of WorldCom's allegations reveals significant deficiencies in Qwest's OSS, its EDI documentation, or its technical assistance. Qwest is serious in its commitment to continue its support for WorldCom efforts to make its interface work more smoothly with Qwest's OSS, and to enable WorldCom to provide UNE-P POTS and other services throughout the region with a minimum of problems.

Representatives of Qwest met yesterday with Commission staff to discuss these issues.¹⁶ At that meeting, Qwest provided Commission staff with responses to the specific issues raised by WorldCom in its recent *ex parte* filings. The information provided to Commission staff can be found in Attachment A to this letter.

The twenty-page limit does not apply to this filing. Please contact the undersigned if you have any questions concerning this submission.

Respectfully submitted,

/s/

Dan Poole

cc (with Attachment A only): M. Brill
D. Gonzalez
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¹⁶ Attending the meeting on behalf of Qwest were Andrew Crain, Hance Haney, Loretta Huff, Lynn Notarianni, Dan Poole and Chris Viveros, as well as Linda Oliver and Yaron Dori of Hogan & Hartson. Commission staff in attendance included Michelle Carey, Gail Cohen, Bill Dever, Christi Shewman and Jeff Tignor.

Marlene R. Dortch

April 3, 2003

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cc: (with all attachments):

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